

# AUSTRALIAN CAPITAL TERRITORY.

No. 6 of 1942.

## AN ORDINANCE

### To amend the Education Ordinance 1937-1938.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1.—(1.) This Ordinance may be cited as the *Education Ordinance 1942*.\* Short title and citation.

(2.) The *Education Ordinance 1937-1938* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Education Ordinance 1937-1942*.

2. Section five of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Definition of "school leaving age".

“(2.) For the purposes of this Ordinance, the ‘school leaving age’, in relation to any child, shall be—

- (a) for the year commencing on the first day of January, One thousand nine hundred and forty-two—the age of fourteen years and eight months; and
- (b) for the year commencing on the first day of January, One thousand nine hundred and forty-three, and for all subsequent years—the age of fifteen years:

Provided that the school leaving age of a child who has attained the age of fourteen years and four months before the second day of February, 1942, shall be the age of fourteen years and four months.”

3. Sections eight and nine of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“8.—(1.) The parent or guardian of any child who is not less than six years of age nor more than the school leaving age and who is residing in the Territory, shall, within seven days of the child's attaining the age of six years or of the commencement of the child's residence in the Territory, whichever is the later, cause the child to be enrolled as a scholar at a school in the Territory maintained by or on behalf of the Commonwealth or a school certified under this Ordinance. Compulsory enrolment.

\* Notified in the *Commonwealth Gazette* on 3rd February, 1942.

(2.) A parent or guardian who fails to comply with the provisions of sub-section (1.) of this section shall be guilty of an offence and shall be deemed to be guilty of a fresh offence for each week during which the failure continues.

Penalty: For the first offence, One pound, and for any subsequent offence in respect of the same child, Five pounds.

Compulsory attendance.

“9. Every parent or guardian of a child who is not less than six years of age nor more than the school leaving age and who is residing in the Territory shall cause the child to attend, as a scholar, the school at which the child is enrolled as a scholar in pursuance of section eight of this Ordinance on every half-day on which the school is open.

Penalty: For the first offence, One pound, and for any subsequent offence in respect of the same child, Five pounds.”

Defence in prosecutions under sections 8 and 9.

4. Section ten of the Principal Ordinance is amended—

(a) by omitting paragraph (a);

(b) by omitting from the proviso to paragraph (d) the words “on a free pass by train” and inserting in their stead the words “at a fare not exceeding one penny per journey on a motor omnibus”; and

(c) by omitting from that proviso the words “train or” (second, third and fourth occurring) and inserting in their stead the words “motor omnibus or other”.

Certificate of principal of school to be evidence of facts stated therein.

5. Section fourteen of the Principal Ordinance is amended—

(a) by adding at the end of paragraph (a) the word “or”;

(b) by omitting from paragraph (b) the word “or”; and

(c) by omitting paragraph (c).

Exemption certificates.

6. Section sixteen of the Principal Ordinance is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the word “or” (last occurring); and

(b) by adding at the end of that sub-section the following paragraph:—

“or (d) that the child is of the age of fourteen years or more and has completed the primary school course of study in a school in the Territory maintained by or on behalf of the Commonwealth or a school certified under this Ordinance, or has been educated up to a standard accepted by the prescribed person or authority as equivalent thereto, and that the home conditions of the child are such as to warrant exemption.”

Repeal of section seventeen. Truants.

7. Section seventeen of the Principal Ordinance is repealed.

8. Section eighteen of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.), after the word “may”, the words “release the child on probation on such terms and conditions and for such period as it thinks fit, or may”;

- (b) by omitting from sub-sections (2.) and (7.) the words “age of fourteen years” and inserting in its stead the words “school leaving age”;
- (c) by omitting from sub-section (7.) the words “*Juvenile Offenders (Detention) Agreement Ordinance* 1936” and inserting in their stead the words “*Child Welfare Agreement Ordinance* 1941”;
- (d) by omitting sub-section (8.) and inserting in its stead the following sub-sections:—

“ (8.) If a child, who has been released on probation, breaks, or is reasonably suspected of having broken, the terms or conditions of his release, the Court at any time by notice given in such manner as the Court directs to the parent or guardian of the child, or to the child himself, may direct that the child appear or be brought before the Court at a time and place named in the notice and, if the child does not so appear or is not so brought before the Court, it may issue a summons for the appearance of the child, or if the circumstances so require issue a warrant for the apprehension of the child.

“ (9.) Upon a child appearing or being brought before the Court in pursuance of the last preceding sub-section, the Court may, if it is satisfied that there has been a breach of the terms or conditions on which the child was released, deal with the child in the same manner as if he had not been released on probation.

“ (10.) For the purposes of this section, ‘State Institution’ has the same meaning as that expression has in the Agreement a copy of which is set forth in the Schedule to the *Child Welfare Agreement Ordinance* 1941.”.

**9.** Section twenty-two of the Principal Ordinance is amended Registration. by omitting from sub-section (2.) the word “seven” and inserting in its stead the word “six”.

**10.** Section thirty-two of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 32.—(1.) Whenever the Registrar has reason to believe that there is residing in any dwelling-house in the Territory any child aged not less than six years nor more than the school leaving age who is not enrolled as a scholar at a school in the Territory maintained by or on behalf of the Commonwealth or a school certified under this Ordinance, he may deliver at that dwelling-house to a person apparently over the age of sixteen years and apparently an inmate thereof, or send to that dwelling-house or other place Returns to be furnished by parent or guardian.

as a registered letter addressed to 'the occupier', a form of return providing for such particulars relating to children aged not less than six years nor more than the school leaving age residing in that dwelling-house as he thinks necessary to be obtained for the purposes of this Ordinance.

"(2.) The parent or guardian of every child aged not less than six years nor more than the school leaving age shall, within seven days after receipt of a form of return referred to in the last preceding sub-section, complete the return and return it to the Registrar.

Penalty: One pound.

"(3.) A person shall not, in any return furnished in pursuance of this section, wilfully make any statement or supply any information which is false or misleading.

Penalty: One pound.

"(4.) Proof of delivery or sending of a form of return in accordance with sub-section (1.) of this section shall be *prima facie* evidence of receipt thereof by the parent or guardian of any child aged not less than six years nor more than fifteen years residing in the dwelling-house at or to which the form was delivered or sent—

- (a) in the case of delivery—on the day of the delivery; or
- (b) in the case of sending as a registered letter—on the day on which the letter would be delivered in the ordinary course of post."

**11.** Section thirty-four of the Principal Ordinance is repealed and the following section is inserted in its stead:—

"34. The Minister may refuse admission of any child to any school maintained by or on behalf of the Commonwealth if there is accommodation for that child in another school—

- (a) within two miles by the nearest practicable route of the dwelling place of that child, or, if the child is not less than eleven years of age, within three miles of that place; or
- (b) which may be reached by the child by motor omnibus or other conveyance at a fare not exceeding one penny per journey, where the sum of the distances from the dwelling place of the child to the picking-up place of motor omnibus or other conveyance, and from the nearest stopping place of the motor omnibus or other conveyance to the school, does not exceed two miles or, if the child is not less than eleven years of age, three miles."

Admission to school.

12. Section thirty-seven of the Principal Ordinance is Regulations amended—

- (a) by omitting from paragraph (d) the words “or a Secondary School” and inserting in their stead the words “, a Secondary School or the Canberra Technical College”;
- (b) by omitting from paragraph (d) the word “and” (last occurring); and
- (c) by inserting after paragraph (d) the following paragraphs:—

“(da) the fees to be charged for enrolment in classes (other than enrolment of a child in accordance with Part II. of this Ordinance) at any school maintained by or on behalf of the Commonwealth, the fees payable at which are not prescribed by or under any other law of the Territory, and the fees to be charged for examinations conducted by or on behalf of the Commonwealth (other than for examinations in the course of compulsory education, or for which special provision is made by or under any other law of the Territory);

“(db) the remission of any fee or portion of any fee payable under the Regulations; and”.

Dated this third day of February, 1942.

GOWRIE

Governor-General.

By His Excellency's Command,

J. S. COLLINGS

Minister of State for the Interior.